

Remarks/Arguments

In the Office Action herein dated February 27, 2006, to which the present Amendment responds, the Examiner (a) objected to the inclusion in the specification, rather than in an Information Disclosure Statement (IDS) of reference to a prior-filed directly co-pending patent application, (b) objected to a modest typographical error appearing on page 6 in the specification, and (c) rejected all claims in the application under 35 U.S.C. §103(a) on the basis of a proposed combination of U.S. Patents Nos. 6,837,016 to Simmons *et al.* and 2,513,037 to McLaughlin.

By the present Amendment, applicant responds to the Action in manners which clearly position all claims remaining in this case, on the basis of entry of this Amendment, in conditions for immediate allowance. Further, applicant, in addition to correcting the typographical error noted by the Examiner, has corrected another minor typographical error found to exist on page 8 in the specification.

Regarding the asserted information disclosure statement issue, applicant's reference to the mentioned prior-filed patent application, wherein applicant is named as a co-inventor, was made, as is clearly stated in the specification, as a matter providing only general background information, and not prior art relevant to the invention claims in this case. As is discussed more fully below, inasmuch as the Examiner has cited against applicant's claims in the present case the '016 patent which issued from that application, the disclosure contained in that prior application does not come close to suggesting any basis whatsoever for questioning the patentability of applicant's present claims.

For this reason, and because neither this prior application, nor any other known information, rises, in his opinion, to the level of IDS relevance, applicant stands by his decision not to file an Information Disclosure Statement, and categorically disagrees with the Examiner's information disclosure statement objection, which should be withdrawn.

Turning next to the Examiner's substantive rejection of claims 1-3 on the ground of obviousness, it is important first of all to address the Examiner's astonishing statement that "...Applicant has not disclosed that the claimed spacing (of through-passages) provides an advantage, is used for a particular purpose, or solves a stated problem". This statement is not merely astonishing – it is truly bewildering in view of the extraordinary specification-text emphasis of the very special importance of this *spacing* matter.

Applicant here and now strongly urges the Examiner to re-read the unambiguous and unmistakable dominance of the importance of this through-passage spacing structure issue as presented: (a) page 1, line 21 through page 2, line 6; (b) page 3, line 19 through page 4, line 7; (c) page 8, lines 16-21; (d) page 11, lines 6-15, and lines 17-23; and (e) page 12, lines 1-3.

It is simply not possible to emerge from this text with anything short of a clear understanding that the special through-passages spacing arrangement discussed in this case, wherein there are provided two, uniquely positionally defined groups of bolt-receiving through-passages that lie effectively clustered with the respective planes of an I-beam's upper and lower flanges, is one of the key features of the invention relative to the way in which beam-to-column loads are delivered *principally vertically adjacent the upper and lower flanges in a beam*.

By the present Amendment, original claim 3, which introduced the through-

passage spacing structure in combination with other important features of the invention, has been cancelled without prejudice, and claim 1 has been currently amended to incorporate directly this through-passage spacing limitation. Claim 1 has also been amended to note that the recited two groups of through-passages are clustered closely adjacent the upper and lower flanges of an associated I-beam – a characterization which is clearly seen in Figs. 1B, and 2-7, inclusive, in the drawings. Claim 2 remains as an originally presented claim.

With entry of this Amendment, therefore, all claims now include reference to the important, specially differentially spaced, bolt-receiving through passages.

At the time of the conception of the present invention, bolt-spacing through-passages, as illustrated by the Simmons *et al.* patent, cited by the Examiner, were arranged in a “non-clustered”, evenly distributed fashion, without any thought or consideration being given to organizing them as illustrated, described and claimed in the present patent application. Conventional wisdom, at the time, led quite naturally to the “evenized” distribution and deployment of bolt-receiving through-passages, as is clearly illustrated in that patent. The concept of clustering and concentrating bolt-communicated load-transmission between adjacent, collar-form, I-beam-attached end plates, as presented in the current patent application, arose, from a conventional and non-suggesting field of evenizing, distributed, beam-to-column load-communication, as a clearly non-obvious act of patentable invention by applicant.

The Examiner’s position that “... it would have been an obvious matter of design choice to a person of ordinary skill in the art to space the through-passages of Simmons *et al.* to be as claimed *because applicant has not disclosed that the claimed spacing provides an*

advantage, is used for a particular purpose, or solves a stated problem (emphasis added)..."

simply cannot stand as a supportable proposition. Applicant has clearly stated in his patent application that this unique and non-obvious spacing, coming out of, and departing from, a non-cluster-concentrating, even spacing convention, is (a) advantageous, (b) has a special purpose, and (c) solves the stated problem of making better use "of the full capabilities of ... columns and beams to manage moment loads." (Specification, page 2, lines 5 and 6).

The McLaughlin reference does nothing to supply the deficiency of the Simmons *et al.* reference with respect to the special through-passage spacing concept of applicant's present invention. Accordingly, applicant submits that his invention, as now set forth in the claims remaining in this case on the basis of entry of the present Amendment, are very plainly distinguishable in all respects from the cited and applied prior art, and are thus patentable.

Therefore, applicant respectfully solicits favorable reconsideration of the present application, and early allowance of both remaining claims in this case. If the Examiner has any questions regarding the amendment or remarks, the Examiner is invited to contact Attorney-of-Record Jon M. Dickinson, Esq., at 503-504-2271.

Request for Extension of time in Which to Respond

Applicant hereby request an extension of time to respond within the second month following the end of the shortened statutory period under 37 C.F.R. § 1.136. A PTO Form 2038 Credit Card authorization in the amount \$225.00 of is enclosed to pay the requisite extension fee. The Commissioner is hereby authorized to charge any additional fees which may be